Stat' Wynton.

THE STATUTE of WINCHESTER.

I. FORASMUCH as from Day to Day, Robberies, Murthers, [Burnings, and Theft,[1]] be more often used than they have been heretofore, and Felons cannot be attainted by the Oath of Jurors, which had rather suffer [Strangers to be robbed, and so pass without pain,[2]] than to indite the Offenders, of whom great part be People of the same Country, or at the least, if the Offenders be of another Country, the Receivers be of places near; and they do the same, because [an Oath is not given unto Jurors of the same Country where such Felonies were done, and to the Restitution of Damages,[3]] hitherto no Pain hath been limited for their concealment and Laches; Our Lord the King, for to abate the power of Felons, hath established a Pain in this case, so that from henceforth, for fear of the Pain more than for fear of any Oath, they shall not spare any, nor conceal any Felonies; And doth command, That [Cries[4]] shall be solemnly made in all Counties, Hundreds, Markets, Fairs, and all other Places where great Resort of People is, so that none shall excuse himself by Ignorance, that from henceforth every Country be so well kept, that immediately upon such Robberies and Felonies committed, fresh Suit shall be made from Town to Town, and from Country to Country.

Fresh Suit shall be made after Felons, from Town to Town.

II. LIKEWISE, when need requires, Inquests shall be made in Towns, by him that is Lord of the Town, and after in the Hundred, and in the Franchise, and in the County, and sometimes in two, three, or four Counties, in case when Felonies shall be committed in the Marches of Shires, so that the Offenders may be attainted. And if the Country will not answer [for the Bodies of such manner of Offenders,[5]] the Pain shall be such, that every Country, that is to wit, the People dwelling in the Country, shall be answerable for the Robberies done, and also the Damages; so that the whole Hundred where the Robbery shall be done, with the Franchises being within the Precinct of the same Hundred, shall be answerable for the Robberies done. And if the Robbery be done in the Division of Two Hundreds, both the Hundreds [and the Franchises within them[6]] shall be answerable; and after that the Felony or Robbery is done, the Country shall have no longer Space than [Forty Days,[7]] within which [forty days[8]] it shall behove them to agree for the Robbery or Offence, or else that they will answer for the Bodies of the Offenders.

Inquests of Felonies.

The Hundred answerable for Robberies.

The Country shall have but Forty Days.

III. AND Forasmuch as the King will not that his People should be suddenly impoverished by reason of this Penalty, that seemeth very hard to many; the King granteth, That [they shall not incur[9]] immediately, but it shall be respited until Easter next following, within which Time the King may see how the Country will order themselves, and whether such Felonies and Robberies do cease. After which Term let them all be assured, that the foresaid Penalty shall run generally, that is to say, every Country, that is to wit, the People in the Country, shall be answerable for Felonies and Robberies done among them.

Commencement of this Statute.

[1] and Burning of Houses
[2] Felonies done to Strangers to pass without pain,
[3] the Oath is not now put unto Jurors; nor, upon the Country where such Felonies were done, as to the Restitution of Damages,
[4] Proclamation [5] for such manner of Misdoers
[6] together with the Franchises
[7] half a year } *Old Printed Translations: with which MS. Tr.* 1.
[8] half-year } *agrees.*
[9] *it shall not be incurred*

Ex magno Rot. Stat. in Turr. Lond. m. 41. *

PUR ceo qe de jour en jour roberies, homicides, (1) Arsuns (2) plus sovenerement sunt fetes qe avaunt ne soleyent, e felonies ne [poount estre atteinz p ꝥment des Jururs, q̃ plus volunters suf]ferent felonies fetes as estraunges genz passer saunz peynes qe enditer meffesours, dunt graunt ptie sunt gent de meimes le pays, [ou a meins, si les [fesours[3]] sont de autre pays, lour] recetturs sunt del visne; e ceo funt il pur taunt qe serment nest mie [hore dute[4]] as Jururs ne au pays ou les felonies furent fetes qaunt a restitucion des damages peyne [avant ne] fu p'veue pur lur concelement e lur lachesce; Nostre Seign' le Rey, pur abatre le poer de feluns, si establit peyne en teu cas, issi qe par pour de la peyne [plus qe par pour de ꝥment] a nuli desoremes ne esparnient, ne nule felonie ne concelent; E comand qe solempnement seit la crie fete, en tuz Cuntez, hundrez, marches, feyres, e tuz [auꝰs lous ou solempne assemble des gentz] sera, issi qe nul par ignoraunce se pusse escuser, qe checun pays issi desoremes seit garde, qe meintenant apres robies e felonies fetes seit fete si fresche sute de vile [en ville, de pays en pais.]

Enquestes ensement seient fetes si mester est en viles par celui qi soverein est de la vile, e pus en hundrez e en fraunchises e en Cuntez, [& ascun foiz en deux, trois, ou qatre Countees] en cas quaunt felonies serunt fetes en marche de Cuntez, issi qe meffesours pusent estre ateinz. E si le pais de tels mañe de mefesours [ne respoigne, la pein ꝥra tiel, q̃ chescun pais] cest asaꝰ genz en pais demoraunz, respoignent de robies fetes, e de damages; issi qe tut le hundred ou la robie serra fete, ove les fraunchises qe sunt dedenz la purceint de meime le hundred, respoignent de robie fete. E si la robie seit fete en devises [dedenz[5]] Hundrez respoignent ambedeus les Hundrez ensemblement of les fraunchises; e plus long ꝥme ne avꝰa le pais, apꝰs la robie e felonie fete, qe [xl. joursz, dedenz les quels[6]] il covendra qil facent gre de la robie e du mefet ou qil respoignent de cors de mefesurs.

E pur ceo qe le Rey ne vueut pas qe gent sodeynement seient espoveri de ceste peyne, qe semblereit dure a aucune gent, graunte qele ne seit mie maintenaunt encorue, mes preigne la peyne respit deqes a la Paske procheine venaunt, e dedenz cel ꝥme verra le Rey coment le pais se portera, e seserunt teles robies e felonies. Apres quel ꝥme tuz seient ꝯeinz qe lavaundite paine curra generaument, ceo est asaꝰ qe chescun pais, ceo est asaꝰ genz el pais demoraunz, respoignent des robies e felonies fetes en lur pais.

[1] e *Lib. Horn.* [2] et Larcenies *Old Printed Copies.*
[3] meffesours *Rot. Scac: Lib. Horn.*
[4] ore dute *Rot. Claus.* ore dote *Rot Scac: Lib. Scac. X: Lib. Horn.*
[5] de deux *Rot. Claus: Rot. Scac: Lib. Horn.*
[6] demy an de dens le quel *Rot. Scac. wherewith many Manuscripts, and the Old Printed Copies agree.*
quarant jours, deinz les queux *Stat.* 28 *Ed. III.* [*c.* 11]
xl. jours, dedeins les queux jours *Lib. Horn.*
quarant jours dedeinz les queux *Rot. Claus.*

* On the Close Roll 5 *Ric. II. m.* 13, *d*, is entered a Writ to the Sheriffs of London, dated March 3, for the Proclamation and Observance of this Statute of Winchester, reciting the Statute at length; with a Note that like Writs were then sent to all the Sheriffs throughout England. The Entry on the Statute Roll 13 Edward I. being in part defaced and illegible, the Words deficient are supplied in the Text from the Entry on the Close Roll of Richard II, and are printed between Brackets, without any Figure of Reference. A small Roll of the time of Edward I. containing only this Statute of Winchester, is preserved among the Records of the Treasury of the Court of the Receipt of the Exchequer in the Chapter House Westminster: At the top of the Roll is written "Ces sunt les estatuz fes a Wyncestre en le an le Rei Edward Tresime:" The Quotations from this Roll are marked *Rot. Scac.*

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E a plus seurer le pais, ad le Rey comaunde qe en les graunz viles, qe sunt closes, les portes seient fermes del solail rescuse deqes au solail levaunt; e qe nul home ne herberge en suburbe, ne en forein chief de la vile, si de jour noun, ne uncore de jour si le hoste ne voille pur lui respundre; e les Baillifs de viles chescune semeine, ou ameins quinzeine facent enquestes de genz herbgez en suburbes, [e[1]] en foreins chefs de viles; e sil trovent nul herbgour, [qi resceive ou herberge en autre manre gent,[2]] dunt suspeciun seit qil soient gent countre la pes, si enfacent les Baillifs dreiture. E desoremes est comaunde, qe veylles soient fetes, issi cū auncienemēt soleyent estre, ceo est asavr del jour de la Ascenciun deqes le jour Seint Michel, en chescun Cite ([3]) sis homes, en chescune porte, en chescun burgh par xij. homes, en chescune vile [en tre[4]] par vj. homes ou iiij. solom numbre des genz qi abitent ([5]), e facent [la veille[6]] continuelement tute la nuit del solail rescusse jeqes al solail levaunt. E si nul estraunge passe par eus seit arestu jeqes au matin; E si nule suspeciun ne seit trove auge quites; E si em trove suspeciun, seit livere al viscunte maintenaunt, [e saunz daungr le receive, e sauvement le garde,[7]] jeqes a taunt qe en due manre seit delivre. E si eus ne se soeffrent pas estre aresteuz seit heu e cri leve sur eus, e ceus qi funt la veille les siwent o tute la vilee [ove les visnees viles,[7]] o heu e cri de vile en vile, jesqes taunt qil serra pris e livrez au Viscunte, cum est avauntdit; E pur le resteiment de tels estraunges, nul ne seit enchesune.

Comaunde est ensement qe les hauz chemins des viles marchaundes, as autres viles [marchaundises[8]] seient enlargiz, la ou il iad bois, ou haies, ou fossez, issi qil nieit fosse, suthboys, ou bussuns, ou lem peut tapir pur mal fere pres del chemin, de deus centz pez de une part e de [deus centz pars[9]] de autre part, issi qe cet estatut point ne estende [as keynes, ne[7]] as [gros[10]] fusz, par qei ceo seit cler desuz. E si par defaute de Seign', qi ne vodra fosse, subois, ou bussuns, en la furme avauntdite abatre, e roberies seient fetes, si respoygne le Seygn'; E sil ieyt murdre, si seit le Seign' reint a la volunte le Rey. E si le Seign' ne suffist a suzbois abatre si lui aide le pais a ceo fere. E le Rei veut qe en ses demeines tres, e boys dedenz foreste, e dehors, seient les chemins enlargiz, cum avaunt est dit. E si par cas park seit pres del haut chemin, si covendra qe le Seign' del park amenuse sun park, jeqes ataunt [qil ieyt la leyse[11]] [de deus centz pez, pres del haut chemin,[11]] cum avaunt est dit, ou qe il face tel mur, fosse ou haye qe meffesurs ne pussent passer ne returner pur mal fere.

Comaunde est ensement qe chescun home eit en sa mesun armure pur la pees garder, solum la aunciene assise; ceo est assavr qe chescun home entre quinze annz e seisaunte soit asis e jure as armes, solum la quantite de lur tres e de lur chateus; ceo est assavr, a quinze liveree des tres, e chateus de quaraunte mars, [hauberg,[13]] chapel de feer, espe, cutel e cheval; A disz liveree de tre, e chateus de vint mars, [haubgeun,[14]] chapel, espe, e cutel; [A cent [soucheesz[15]] de tre

[1] ou *Rot. Claus.* [2] ke herberge gent ou recette en auter manere, ou gent *Rot. Scac.*
[3] pat *Rot. Scac*; *Lib. Horn.*
[4] entiere *Rot. Claus*: *Rot. Bodl.* [5] en la Vile *Rot. Scac.*
[6] la Vile garder *Rot. Scac.* [7] *Rot. Scac.* omits.
[8] marchaundes *Rot. Claus*: *Rot. Scac.*
[9] ij.C. pees *Rot. Claus.*—deus cent pes *Rot. Scac.*
[10] gntz *Rot. Claus.*
[11] { qil y eit la leeste *Rot Claus.*—qil i ad la leeste *Rot. Bodl.* / ke la leise seit *Rot. Scac.*—qe ly eit la leeste *Lib. Horn.*
[12] ps deu chemin deus cent pes de une part, e deus cent pes de aur part, *Rot. Scac.*
[13] hauberk *Rot. Claus.*—hauberc *Rot. Scac.*
[14] haubgeon *Rot. Claus*: *MS. Cott.* hauberc *Rot. Scac*; *Lib. Horn.*
[15] souldz *Rot. Claus.*

AND for the more Surety of the Country, the King hath commanded, that in great Towns, being walled, the Gates shall be closed from the Sun-setting until the Sun-rising; and that no man do lodge in Suburbs, nor [in any place out of the Town, from nine of the Clock until Day,[1]] without his Host will answer for him; and the Bailiffs of Towns every Week, or at the least every Fifteenth Day, shall make Inquiry of all Persons being lodged in the Suburbs, or [in foreign Places[2]] of the Towns; and if they do find any [that have lodged or received any Strangers or suspicious person, against the peace,[3]] the Bailiffs shall do right therein. And the King commandeth, that from henceforth [all Towns be kept,[4]] as it hath been used in times passed, that is to wit, from the Day of the Ascension unto the Day of St. Michael, in every City [Six Men shall keep[5]] at every gate, in every Borough ([6]) Twelve Men, ([7]) every Town ([8]) Six or Four, according to the Number of the Inhabitants of the Town, and ([9]) shall watch the Town continually all Night, from the Sun-setting unto the Sun-rising. And if any Stranger do pass by them, he shall be arrested until Morning; and if no Suspicion be found, he shall go quit; and if they find cause of Suspicion, they shall forthwith deliver him to the Sheriff, and the Sheriff may receive him without Damage, and shall keep him safely, until he be [acquitted[10]] in due Manner. And if they will not obey the Arrest, they shall levy Hue and Cry upon them, and [such as keep the Town shall follow with Hue and Cry with all the Town, and the Towns near, and so Hue and Cry shall be made from Town to Town,[11]] until that they be taken and delivered to the Sheriff, as before is said; and for the Arrestments of such Strangers none shall be punished.

IV. At what Time the Gates of Towns shall be opened and shut.

Lodgers in the Suburbs.

At what Time the Night-watch shall begin and end.

Strangers may be arrested by the Watch.

Or Hue and Cry made after them.

AND Further, It is commanded, That Highways leading from one Market Town to another shall be enlarged, whereas [Bushes Woods[12]] or Dykes be, so that there be neither Dyke [Tree[13]] nor Bush, whereby a Man may lurk to do hurt, ([14]) within two hundred foot of the one side, and two hundred foot on the other side of the way, so that this Statute shall not extend unto [Ashes,[15]] nor unto great Trees, [for which it shall be clearly out of this.[16]] And if by Default of the Lord that will not abate the Dyke, Underwood or Bushes, in the manner aforesaid, any Robberies be done therein, the Lord shall be answerable for the Felony; and if Murther be done the Lord shall make a Fine at the King's Pleasure. And if the Lord be not able to fell the Underwoods, the Country shall aid him therein. And the King willeth, that in his demean Lands and Woods within his Forest and without, the Ways shall be enlarged, as before is said. And if percase a Park be [taken from[17]] the Highway, it is requisite that the Lord shall [set[18]] his Park [the space of two hundred foot from the Highways,[19]] as before is said, or that he make such a Wall, Dyke, or Hedge, that Offenders may not pass, ne return to do evil.

V. Highways to Market Towns shall be enlarged.

The Lord answerable.

Parks adjoining Highways.

AND Further, It is commanded, That every Man have in his house Harness for to keep the Peace after the antient Assise; that is to say, Every Man between fifteen years of age, and sixty years, shall be assessed and sworn to Armor according to the quantity of their Lands and Goods; that is to wit, [from[20]] Fifteen Pounds Lands, and Goods ([21]) Forty Marks, an Hauberke, [a Breast-plate[22]] of Iron, a Sword, a Knife, and an Horse; and [from[20]] Ten Pounds of Lands, and Twenty Marks Goods, an Hauberke, [a Breast-plate of Iron,[23]] a Sword, and a Knife; and [from[20]] Five Pound Lands,

VI. What Armor each Person shall have in his House.

[1] in any foreign part [ate outmost hende *MS. Tr.* 1;] of the Town, but in the Day-time, nor yet in the Day-time,
[2] in foreign Parts—*MS. Tr. reads* ate ferreste Ende
[3] that do lodge, or receive in any manner, Men of whom there is suspicion that they be People against the peace,
[4] Watches be made [5] by six Men [6] by
[7] in [8] by [9] they [10] delivered
[11] the Watchmen shall follow them with all the Town and the neighbour Towns, with Hue and Cry from Town to Town,
[12] Woods, Hedges, [13] Underwood
[14] *near to the way* [15] *Oaks* [hokes *MS. Tr.* 1.]
[16] so as it be clear underneath.
[17] near to [18] minish
[19] *so that there be a Border of two hundred foot near the Highway,*
[20] for [21] of
[22] helme [hat *MS. Tr.* 1.] [23] an helme [hat *MS. Tr.* 1.]

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[a Doublet,[1]] [a Breast-plate [2]] of Iron, a Sword, and a Knife; and from Forty Shillings Land and more, unto One hundred Shillings of Land, a Sword, a Bow and Arrows, and a Knife; and he that hath less than Forty Shillings yearly, shall be sworn to [keep Gis-armes,[3]] Knives, and other [less Weapons [4]]; and he that hath less than Twenty Marks in Goods, shall have Swords, Knives, and other [less Weapons [4]]; and all other that may, shall have Bows and Arrows out of the Forest, and in the Forest Bows and [Boults.[5]] And that View of Armor be made every Year Two Times. And in every Hundred and Franchise Two Constables shall be chosen to make the View of Armor; and the Constables aforesaid shall present before Justices assigned (6) such Defaults as they [do see in the Country [7]] about Armor, and [of the Suits of Towns,[8]] and of Highways; and also shall present [all such as do lodge Strangers in uplandish Towns,[9]] for whom they will not answer. And the Justices assigned shall present [at every Parliament unto the King such Defaults as they shall find [10]] and the King shall provide Remedy therein. And from henceforth let Sheriffs take good Heed, and Bailiffs [within their [11]] Franchises and without, [be they higher or lower,[12]] that have any Bailiwick or Forestry in Fee, or otherwise, that they shall follow the Cry with the Country; [and after, as they are bounden, to keep Horses and Armor, or so to do; [13]] and if there be any that do not, the Defaults shall be presented by the Constables to the Justices assigned, and after, by them to the King, [and the King will provide Remedy] as afore is said. And the King commandeth and forbiddeth, that from henceforth neither Fairs nor Markets be kept in Church-Yards for the Honour of the Church.

View of Arms.

Presentment of Offences against this Statute.

Fairs and Markets shall not be kept in Church-yards.

Given at Winchester, the Eighth of October, in the Thirteenth Year of the Reign of the King.

[1] porpoint *MS. Tr.* 1. [2] an helme
[3] fause gisarmes *MS. Tr.* 1. [4] small armes *MS. Tr.* 1.
[5] piles *MS. Tr.* 1.
[6] when they shall come into the Country,
[7] shall have found [8] of Suits, and of Watches,
[9] men that herebouretb opelond *MS. Tr.* 1.
[10] the same at every Parliament unto the King
[11] *of* [12] greater or lesser
[13] and, as they are in ability, to keep Horses and Armour, so to do;

parpoint, chapel de feer, espe e cutel;[1] A quaraunte [souch - - -[2]] de tre, e de plus jeqes a Cent souz, espe, ark, setes e cutel; E qe meins ad [de[3]] quaraunte souze de tre [seit jure a faus gisarmes, cuteus[4]] e autres menues armes; (5) [qi meins ad de chateus de vint mars espees cuteus e autres menues armes.[6]] E tuz les autres, qi av pount, eient arcs [e setes hors de forestes, e dedenz forestes arcs e piles.[7]] E qe veue des armes, soit fete deus foiz par an. E en chescun hundred e fraunchise seyent eleus deus Conestables, a fere la veue des armes; e les Conestables avauntdiz psentent devaunt les justices assignez, quant il vendrunt en pays, les defautes qil averount trovez de armeure; e [de suites de veilles,[8]] e de cheminz; E psentent ausi de [genz, qi herbgent genz estraunges [9]] en viles de uppelaund, pur queus il ne volent respundre. E les Justices assignez en chescun parlement repsentent au Rey, e le Rey sur ceo en fra remedie. E bien se gardent desoremes, Viscuntes, Baillifs de fraunchises e dehors greignurs ou maindres, qi baillie [ou foresterie unt [10]] en fee ou en autre manie, qil siwent le cri ove le pays; E solum ceo qil sunt, eient chevaus e armeure a ceo fere; E si nul seit o nel face, seient les defautes psentez par les Conestables as Justicez assignez, e puis apres par eus au Rey cum avaunt est dit. E comaunde le Rey e defend, qe feire ne marche desoremes ne soient tenuz en cimet pur honur de Seinte Eglise. Done a Wyncestre, [le utisme jour de Octobr,[11]] le an du regne le Rey, (12) Trezime. (13)

[1] *Rot. Scac.* omits. [2] souldz *Rot. Claus.* [3] ke *Rot. Scac.*
[4] seent jores a gisarmes *Rot. Scac.*
[5] Et *Rot. Claus.* [6] *Rot. Scac.* omits.
[7] setis en foreste & hors de foreste. *Rot. Scac.*
[8] { de sutez de villes *Rot. Claus: Rot. Bodl.*
{ de suyte de viles *Rot. Scac.*—de suytes des viles *Lib. Horn.*
[9] gent estrange herbiges *Rot. Scac.*
[10] unt en foreste ou de hors, ou *Rot. Scac.*
[11] *Rot. Scac.* omits.—le vintisme jour de Septembre *Rot. Bodl.*
[12] Edward *Rot. Scac: Rot. Bodl.*
[13] Renouvele & asseale a Everwyk lan de son regne vint & oytisme *MSS. Harl.* 858, 1208.

Statutum Mercatorum.

The STATUTE of MERCHANTS.

FORASMUCH as Merchants, which heretofore have lent their Goods to divers Persons, be fallen in Poverty, because there is no speedy Remedy provided, whereby they may shortly recover their Debt at the Day of Payment; and for this cause, many Merchants do refrain to come into the Realm with their Merchandize, to the damage of such Merchants and of all the Realm; The King (1) and his Council at his Parliament holden at Acton Burnel, after the Feast of St. Michael, the Eleventh year of his Reign, [hath ordained these Establishments [2]] thereupon for the Remedy of such Merchants; which Ordinances and Establishments the King [commandeth that they shall [3]] be firmly kept and observed throughout this Realm, whereby Merchants [may have [4]] Remedy and less [trouble and business [5]] to recover their Debts, than they have had heretofore: But

[1] *by himself* *did make and ordain an Establishment*
[2] *did command that they shou'd* [4] *have had*
[5] *loss and trouble*

*Ex magno Rot. Stat. in Turr. Lond. m. 46 d.**

PUR ceo qe Marchaunz qi avaunt ces hures unt preste lur aver a divs genz, sunt cheuz en povte p' ceo qe il ni avoit pas si redde ley p'vewe par la quele il poeient lur dettes hastivement recoverir au jour assis de paye; E par cele encheson sunt mulz des marchaunz sustrez de venir en ceste terre ove lur marchaundises, a damage des marchaunz e de tut le reaume; Le Rey par luy e par sun counseil a sun parlement, qe il tint a Actoñ Burnell, aps la Seint Michel le an de sun regne unzime, fist e ordina establissement sur ceo a remedie des marchaunz, le quel ordeinemēt e establisement le Rey comaunda qe tenuz fuissent e fermement gardez en tut sun Reaume, dunt marchaunz unt eu remedie, e a mains meschief e travail unt recovre lur dettes, qe avaunt ne soleient: Mes p' ceo qe marchaunz puys

* The Entry of this Statute is on the Back of that Membrane of the Roll which contains the Statute of Merchants, 11 Edw. I.
The following Memoranda are subjoined at the End of the Statute; the latter of them in a Hand-writing of the Time of Edward II.
Consimile statutū de verbo ad verbum ffient Major & Cives Exoñ.
Md qd statutū pdcm consignā fuit in forma subsc'pta & libatū Willo de Bodemynñ deferend p ipm cōitati ville de Lostwythiel. Edwardus dei gra, &c. omibz ad quos, &c. saltm. Inspexim statutū nlicatoz editū tempore dni E. qondā Regis Angl' pris nri in hec verba. Pur ceo q marchanz, &c. Quod q'dem statutū p recognicōibz jux formā ejusdē statuti in villa de Lostwythiel accipiend ad eandē villā duxim transmittend. In cuj &c. T. R. ap Londoñ pcio die Septembr anno r sui q'nto.
This Statute is also entered in *Register A.* in the Chapter House at Westminster, fo. .; with the following Title:
Statuta p nlicatoribz & malis debitoribz.

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